

§ 103 Rejection

Claims 1-8, 11-17, 20-25 and 28-29 were rejected under § 103 as unpatentable over Schein in view of Metz. As pointed out in the previous response, Schein shows nothing but the conventional approach of using embedded linking. The applicant's disclosure clearly distinguishes over Schein as pointed out by the Examiner. However, the Examiner now cites Metz merely for the fact that Metz teaches encoding time codes into data. Nothing in Metz in any way suggests using the time code data to provide a linking mechanism between a selected portion of a frame and other information. Again, Metz is nothing but the conventional practice. Just because time codes are known does not teach the applicant's claimed invention. Neither Metz nor Schein had any inclination that one could link from any given frame of video data to other information, for example using the time code information.

Thus, the combination of Schein and Metz really amounts to nothing of pertinence at all to the claimed invention. That is, their combination still fails to teach elements set forth in the claims. For example claim 1 is a method claim calling for linking video information with other information based on the location of the video information on a frame. Schein clearly does not teach it and Metz has absolutely nothing to do with linking.

Moreover, there is absolutely no rationale to make the combination. If the Examiner's logic held, anything that is good would have a rationale to combine and therefore would be obvious. The Examiner's reasoning simply takes a benefit from the combination and concludes of course there is a rationale to combine. The applicant would not be trying to get a patent if there were not some benefit from the claimed invention. As pointed out in the Manual of Patent Examining Procedure, the rationale to combine must arise from the prior art, not through the use of hindsight reasoning. Hindsight reasoning is taking an

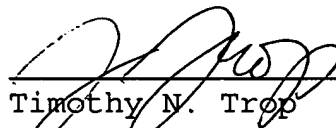
advantage appreciated from the applicant's application and applying it as a rationale to combine. Instead, the rationale to combine must come out of the prior art. See M.P.E.P. § 2144.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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